

59-2946(n) creates an ambiguity regarding the location for performing the mental evaluation, the legislative intent is that the physician or psychologist performing the evaluation determines the location to conduct the mental evaluation based upon the welfare of the detained person; however, such location may not include a non-medical facility used to detain persons charged with or convicted of a crime such as a jail or a law enforcement patrol vehicle. Cited herein: K.S.A. 59-2945; 59-2946; 59-2953; 59-2958; 59-2960; 59-2961; 65-425; K.S.A. 1977 Supp. 65-4027 (Repealed); 65-4031 (Repealed); K.S.A. 75-704. JLA (Issued January 2, 2013)

Opinion 2013-2

Re: Cities and Municipalities—General Provisions—Collection of Certain Unpaid Special Assessments; Action in District Court for Debt.

Cities and Municipalities—Buildings, Structures and Grounds—Unsafe or Dangerous Structures and Abandoned Property.

Synopsis: K.S.A. 12-1,115 authorizes a city to both levy a special assessment *and* file a civil action to collect the demolition costs from the property owner of an unsafe and dangerous structure. Furthermore, a city is not required to remit to the county any amount recovered in a lawsuit to recoup the moneys expended to remove or raze the unsafe or dangerous structure. Cited herein: K.S.A. 12-1,115; K.S.A. 2012 Supp. 12-1755; and 79-2015. AEA (Issued January 2, 2013)

Opinion 2012-3

Re: Cities and Municipalities—Consolidation of Municipalities—Unification of Governmental Units in Greeley County; Unification Plan; Unified City-County Powers, Duties, Limitations.

Counties and County Officers—County Clerk—County Clerk; Deputies and Assistants; Budget; Limitation on Personnel Policies and Practices.

Counties and County Officers—County Treasurer—County Treasurer; Deputy Treasurers; Budget; Limitation of Personnel Action.

Counties and County Officers—Sheriff—Sheriff; Deputies and Undersheriffs; Budget; Limitation of Personnel Action.

Counties and County Officers—Register of Deeds—Register of Deeds; Deputy Registers of Deed; Budget; Limitation of Personnel Action.

Synopsis: The authority of county elected officials to pay bonuses to their employees is subject to any county-wide pay plan adopted by the board of county commissioners. When a pay plan establishes specific salaries for county employees and is silent on the issue of bonuses, the pay plan should generally be read as prohibiting bonuses. County elected officials whose salaries are set by the board of county commissioners may not pay themselves bonuses without the board's approval. Cited herein: K.S.A. 2011 Supp. 12-365; 19-101a; K.S.A. 19-302; 19-503; 19-805; 19-1202; 79-2934. DC (Issued January 3, 2013)

Derek Schmidt
Attorney General

Doc. No. 041224

State of Kansas

Department of Health and Environment

Notice of Major Administrative Actions at Hazardous Waste Facilities

The Hazardous Waste Permits Section of the Bureau of Waste Management has available for review a list of all permit modifications and major administrative actions for facilities that treat, store or dispose of hazardous waste in Kansas that were finalized or approved from January 1, 2012 through December 31, 2012. The publication of this list fulfills the requirement of 40 CFR 270.42(i).

For more information contact Mostafa Kamal, Hazardous Waste Permits Section, at 785-296-1609.

Ash Grove Cement Company — EPA I.D. KSD031203318

- 03/14/12 Class 1 Modification regarding changes to Emergency Contingency Plan
- 06/06/12 Class 1 Modification updating Emergency Contacts, drawings and schematics
- 09/20/12 Class 1 Modification regarding updating drawings for replacement equipment
- 11/30/12 Class 1a Modification allowing a Temporary Extension of a 10-day unloading requirement

Chemical Waste Management — EPA I.D. KSD070902952

- 03/08/12 Remedy Enhancement Study Report approved
- 06/27/12 Class I Permit Modification to reflect modification to the Contingency Plan
- 07/27/12 Surface Water Drainage Improvement Work Plan approved
- 10/10/12 Class I Permit Modification to reflect addition and replacement of wells to the monitoring network
- 10/11/12 Pre-Design Data Acquisition and Remedial Design Work Plan approved

Clean Harbor — Coffeyville — EPA I.D. KSD981506025

- 09/20/12 Class 1a Permit Modification regarding transformer dismantling process

Clean Harbor — Wichita — EPA I.D. KSD007246846

- 07/18/12 Public Notice for Draft Renewal Permit
- 08/29/12 Completeness Determination of Part A and Part B renewal Application
- 09/28/12 Hazardous Waste Permit Renewal
- 11/13/12 Class 1 Permit Modification to reflect change in emergency coordinator

DuPont — EPA I.D. KSD133579698

- 10/12/12 Revised Sampling and Analysis Plan approved
- 10/31/12 Consent Agreement amended for cost reimbursement of oversight

Exline, Inc. — EPA I.D. KSD007127327

- 08/17/12 Operation and Maintenance Inspection Report finalized
- 10/29/12 Revised Sampling and Analysis Plan approved

Great Plain Development Authority (formerly known as KAAP) — EPA I.D. KS0213820467

- 08/27/12 Permit transfer for Former Kansas Army Ammunition Plant (KAAP)
- 09/11/12 Operation and Maintenance Inspection Report finalized
- 11/20/12 Class Closure Approved for selected units

(continued)

Kansas State University — EPA I.D. KSD980632772

- 01/23/12 Landfill Corrective Measures Implementation Plan-Vol. 3 approved
- 01/26/12 Waste Characterization and Building Decontamination Report approved
- 09/11/12 Completion of Excavation Report approved
- 11/26/12 Additional monitoring wells installed

Kansas Army Ammunition Plant (KAAP) — EPA I.D. KS0213820467

- 08/27/12 Permit transfer and split into Great Plains Development Authority (EPA I.D. KS0213820467) and Day & Zimmerman Kansas LLC (KSR000511964)

Koch Nitrogen Company, LLC — EPA I.D. KSD044625010

- 05/31/12 Temporary Authorization to shut down groundwater recovery wells for system maintenance
- 09/28/12 Temporary Authorization to shut down groundwater recovery wells for system maintenance
- 11/27/12 Permit Modification to change the state of operation from Delaware to Kansas

Lafarge Corporation — EPA I.D. KSD007148034

- 09/24/12 Closure of Hazardous Waste Derived Fuel Pyroprocessing Units (kilns), including the closure of the fuel feed system

MRP Properties Company, LLC — EPA I.D. KSD087418695

- 02/24/12 Temporary Authorization to Discontinue Operation Recovery Well RW-80A
- 07/23/12 Public Notice for Draft Permit Renewal
- 07/26/12 Temporary Authorization to Discontinue LTU SVA/AS System
- 08/23/12 Renew Temporary Authorization to Discontinue Operation Recovery Well RW-80A
- 08/29/12 Availability Session and Public Hearing on Draft Permit Renewal
- 09/28/12 Permit Renewal Issued

Safety Kleen — Wichita — EPA I.D. KSD000809723

- 01/11/12 Class 1 Permit Modification to reflect change in emergency coordinator
- 11/26/12 Class 1 Permit Modification to reflect change in legal owner address

The Sherwin-Williams Company — Andover — EPA I.D. KSD056577810

- 06/07/12 Quality Assurance Project Plan approved
- 08/08/12 RCRA Facility Investigation Work Plan approved

The Sherwin-Williams Company — Coffeyville — EPA I.D. KSD007163355

- 06/04/12 Class 1a Permit Modification to remove the requirements to maintain coverage for sudden and non-sudden accidental occurrences

Solomon Corporation — EPA I.D. KS0002431880

- 06/26/12 Joint KDHE/EPA Compliance Inspection for reissuance if TSCA/PCB coordinated approval for commercial storage

Systech Environmental Corp. — EPA I.D. KSD980633259

- 04/30/12 Class 1 Modification regarding administrative corrections for Part B Application
- 05/01/12 Class 1 Modification regarding storage tank repair
- 06/11/12 Class 1a Modification for minor tank system piping changes and schematic updates

- 12/28/12 Class 1a Modification regarding Administrative Part B Application Update

Williams Petroleum Services (WPS), LLC — EPA I.D. KSD007235138

- 05/12/12 Revised Solid Waste Management units 1 and 2 Sampling and Analysis Plan to allow changes to the sampling method
- 11/28/12 Part A Application revised to reflect change in facility contact

Robert Moser, M.D.
Secretary of Health
and Environment

Doc. No. 041227

State of Kansas**Department of Health
and Environment****Notice Concerning Kansas/Federal Water
Pollution Control Permits and Applications**

In accordance with Kansas Administrative Regulations 28-16-57 through 63, 28-18-1 through 17, 28-18a-1 through 33, 28-16-150 through 154, 28-46-7, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, various draft water pollution control documents (permits, notices to revoke and reissue, notices to terminate) have been prepared and/or permit applications have been received for discharges to waters of the United States and the state of Kansas for the class of discharges described below.

The proposed actions concerning the draft documents are based on staff review, applying the appropriate standards, regulations and effluent limitations of the state of Kansas and the Environmental Protection Agency. The final action will result in a Federal National Pollutant Discharge Elimination System Authorization and/or a Kansas Water Pollution Control permit being issued, subject to certain conditions, revocation and reissuance of the designated permit or termination of the designated permit.

Public Notice No. KS-AG-13-010/013**Pending Permits for Confined Feeding Facilities**

Name and Address of Applicant	Legal Description	Receiving Water
Lone Tree Livestock, LLC Dennis Allen 5380 S. Hwy. 83 Scott City, KS 67871	NW/4 and SE/4 of Section 15, T20S, R32W, Scott County	Upper Arkansas River Basin

Kansas Permit No. A-UASC-H005 Federal Permit No. KS0094854

This is a modification and reissuance of a permit for an existing swine facility with a maximum capacity of 54,000 head (21,600 animal units) of swine weighing more than 55 pounds. There is no change in the permitted animal unit capacity from the previous permit. The synthetic liner of the evaporation pond at site #4 will be modified for use as embankment erosion control only. No additional buildings or waste facilities are being proposed. This facility has an approved Nutrient Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Tiffany Cattle Co., Inc. Shane and Shawn Tiffany 1333 S. 2500 Road Herington, KS 67449-5021	E/2 of Section 31 & W/2 of Section 32, T15S, R06E & NW/4 of Section 5, T16S, R06E, Morris County	Neosho River Basin

Kansas Permit No. A-NEMR-C001 Federal Permit No. KS0117218